

PROCEEDINGS OF THE HISTORIC CONSERVATION BOARD

MONDAY, NOVEMBER 13, 2000

3:00 P.M., J. MARTIN GRIESEL ROOM, CENTENNIAL PLAZA II

The Historic Conservation Board met at 3:00 PM, in the J. Martin Griesel Room, Centennial Plaza II, with all members present.

MINUTES

The minutes of the September 25, 2000 HCB meeting were approved (motion by Raser second by Borys); the minutes of the October 11, 2000 meeting were approved as corrected (motion by Spraul-Schmidt second by Borys).

CERTIFICATE OF APPROPRIATENESS, 225 WEST 9TH STREET, NINTH STREET HISTORIC DISTRICT

Staff member Caroline Kellam presented the staff report recommending approval of the proposed window replacement. The HCB reviewed a Certificate of Appropriateness

BOARD ACTION

The Board voted eight in favor, one (Sullebarger) opposed (motion by Raser second by Spraul-Schmidt) to approve a Certificate of Appropriateness for the rehabilitation of the building at 408 Reading Road as five condominiums, with enclosed parking, and the construction of an addition to this building on the lot at 408 Reading Road in the Over-the-Rhine (South) Historic District with the following conditions:

1. All exterior window and door glazing will be clear, not tinted.
2. The masonry infill of the northernmost opening on each of the five upper floors on the east side of the building will have an exterior brick masonry finish matching the existing brick on this side of the building
3. The design of the porch railings, exterior lighting and any other appurtenances or details not clearly delineated in the plans already submitted are subject to review and approval by the Urban Conservator.
4. The proposed metal frame and details (including metal siding) will have a painted finish rather than an uncharacteristic bare metal appearance.

[Mr. Kreider entered the meeting.]

809 DAYTON STREET, CERTIFICATE OF APPROPRIATENESS, WINDOW REPLACEMENTS, DAYTON STREET HISTORIC DISTRICT, PROTECTION AREA

Staff member Adrienne Cowden presented the staff report recommending denial of a Certificate of Appropriateness for work already completed. The building owner, Joe Erkins, appealed staff denial of replacement windows he had installed without a building permit. Ms. Cowden showed photos of the building with the new windows and a pre-construction photograph of the front façade taken in 1992 and obtained from the Hamilton County

Auditor records. The east elevation is not highly visible from the street; the west elevation has no windows.

Replacement windows on all elevations are standard, 1/1, vinyl sash units. Those on the side and rear fit within existing openings; those installed in the arched openings on the first floor front and in a east side projecting bay do not. Further the 1/1 windows on the front façade do not match the appearance of the 4/4 wood sash windows shown in the Hamilton County Auditor's 1992 photograph. Ms. Cowden said there is no documentation on the condition of the replaced windows or on the relative cost of vinyl and wood replacement windows to match. The guidelines encourage repair/replacement in kind but do not prohibit vinyl replacement windows. Mr. Erkins submitted no information on the comparative cost of wood and vinyl replacements. Staff recommended that the Board consider alternatives if Mr. Erkins could supply sufficient economic justification.

Mr. Erkins and three neighbors who opposed the granting of a COA for the work attended the pre-hearing on November 7, 2000 and were present to testify before the Board.

Mr. Senhauser said that the application for a COA must be reviewed as though the work had never occurred. Ms. Sullebarger said that a drawing of the building had been done for the Historic American Buildings Survey of Dayton Street that the Miami Purchase Association did. This documentation would show the shape but not the condition of the original windows.

Mr. Erkins said he has owned the subject building since 1999 and that he replaced the windows to reduce heating costs. He said that he did not know the building was covered by historic guidelines. Mr. Erkins admitted that he did the work without a permit and that, had he applied for one, he would have learned about the historic district guidelines. In answer to Ms. Sullebarger, Mr. Erkins said he was not aware of the City's low-interest loan program for rental rehab.

Ms. Rosalind Petersen, owner/resident of 808 Dayton Street, said her main concern is that allowing changes such as this will destroy the architectural integrity of the entire district. Mr. David Petersen said the windows are inappropriate; he is concerned about preserving the architectural integrity of the community. He said he was unaware the windows were to be installed; when he saw them in place, he called to inquire whether a building permit had been granted.

Mr. Norman Kattelman, President of the Dayton Street Neighborhood Association and resident of 938 Dayton Street, said this matter was brought up at the last Neighborhood Association meeting; the Association unanimously voted against the windows as installed. He expressed concern that other property owners in the district may be unaware of the historic designation and its requirements; he offered the cooperation of the Neighborhood Association in compiling a list of property owners in the district so they can be mailed this information.

BOARD ACTION

After discussion, the Board voted unanimously (motion by Sullebarger second by Raser) to deny a Certificate of Appropriateness for the vinyl sash replacement windows at 809 Dayton Street.

**FEDERAL HISTORIC COMPLIANCE REVIEW (SECTION 106) PENDLETON
HOUSING, OVER-THE RHINE HISTORIC DISTRICT**

[Mr. Bloomfield recused himself from this matter and left the Board table.]

Mr. Young reminded the Board that it had preliminarily reviewed plans for this project at its August 21, 2000, meeting. Although the applicant had continued to refine its details, the plan is essentially the same as it was when presented to the Board in August. Principal changes include a change to the materials façade of the Dandridge Street building. The original plans showed projecting brick bays against a metal paneled wall; the walls are now brick and the projections metal.

Mr. Young explained that the presentation today is to begin the Federal 106 Review process to determine whether the project will have an adverse effect on those characteristics that qualify the Over-The-Rhine Historic District for inclusion in the National Register of Historic Places. Mr. Young said that staff found that the project will have no adverse effect on the district's historic characteristics and recommended the Board direct the staff to forward its findings, along with the plans and other documentation, to the Ohio State Historic Preservation Office for its review. He said that the Board will still need to grant a Certificate of Appropriateness and zoning variances for the project.

BOARD ACTION

The eight voting Board members (Mr. Bloomfield had recused himself.) voted to accept the staff recommendation and took the following actions:

1. Found that the construction of new market-rate housing along Spring, Pendleton and Dandridge Streets in the Pendleton area of Over-The Rhine will have "No Adverse Effect" on those characteristics that qualify the Over-the-Rhine Historic District for inclusion in the National Register of Historic Places.
2. Directed staff to forward the Board's action along with supporting documentation to the Ohio State Historic Preservation Office for its review.

[Mr. Bloomfield rejoined the Board.]

DRAFT GRANDIN ROAD HISTORIC DISTRICT DESIGNATION REPORT, PRELIMINARY PRESENTATION

Staff member Adrienne Cowden presented the draft Grandin Road Historic District Designation Report and showed photographs of representative buildings to be included in the proposed district. Margaret Warminski, who completed the draft study under contract with the Historic Conservation Office, was present to answer questions. Ms. Cowden reminded the Board that the designation study was requested by the Hyde Park Neighborhood Council following a public meeting in November 1999.

The report describes the Grandin Road area as an outstanding example of a wealthy residential neighborhood including houses and related outbuildings dating from the early nineteenth to the mid-twentieth century. The proposed district includes examples of numerous architectural styles and works by outstanding local architects; the landscape--both man-made and natural--also defines the unique character of the area. Extensive gardens, some designed by prominent local landscape architects, and gas street lamps enhance and visually unify the proposed district.

Ms. Cowden said that in response to notices sent to area residents about today's meeting, staff has received six phone calls requesting more information; several people have requested and been sent copies of the draft report and additional information. Ms. Cowden said that property owners will have a voice in establishing the final district boundaries and guidelines.

Ms. Warminski explained that the properties on Grandin Road east of Madison (and some of its connecting streets) are a self-contained entity contributing to a scenic Grandin Road district. The Rookwood Subdivision at the eastern end of the district was not included in the proposed district, but might be considered as a district on its own. O'Bryonville, across Madison Road, was not part of the study area, but likewise was considered to have its own character and integrity as an historic neighborhood.

Mr. Senhauser explained that today's presentation is a preliminary report to justify the architectural and historic significance of the area, the beginning of a designation process. He said that the Board must decide only whether there is sufficient data to proceed with the continued study of the designation area.

Mr. Forwood explained that this designation study was requested by the Hyde Park Neighborhood Council after the demolition of the Piatt-Grandin House at 2161-2167 Grandin Road. He said that the drafting of historic conservation guidelines and the level of restriction placed upon district buildings will be developed in consultation with property owners in the proposed district. He suggested that the guidelines may be designed to protect the scenic area and may be less restrictive than those in other City districts. Demolition, new construction and landscape features might be included, but some restrictions now found in other districts may not be included.

Ms. Spraul-Schmidt commented this is a series of suburban developments of high quality demonstrating particular senses of time and place. Mr. Dale asked whether other factors that affect the public interest (not just the findings in the consultant's report) will be considered by the Board in its final decision whether historic designation for the district is appropriate.

Mr. Irving Harris, 18 Grandin Lane, appeared to represent his family and the Henry Heimlich family of 17 Elmhurst Place. He expressed concern about the restrictions and financial burdens historic designation can impose upon the property owners and suggested that residents carefully read the ordinance. He said he finds the district as proposed overly large, encompassing many properties that are of no significance and less than 50 years old.

Joseph L. Trauth, Jr., Esq., and Mr. Edward C. Tyrrell, Headmaster of the Summit Country Day School, requested that the school property be excluded from any historic district designation. Mr. Trauth cited the exclusion of St. Ursula Academy from the Uplands Historic District as a precedent. He indicated that the school had done substantial work on its buildings and would not want its future plans jeopardized by historic designation.

Mr. Albert Vontz, 2590 Grandin Road, stated he attended this meeting to gain more information about what historic designation may entail. He asked whether historic district designation would bring more attention from the City such as the replacement of overhead electric lines or the repair deteriorated streets and sidewalks and overgrown shrubbery. He

said he was curious about what restrictions would impose on required retrofitting, new construction and the development of vacant lots.

Mr. Thomas S. Pieratt, 2180 Convent Lane, said he thought the Summit School must be included in a Grandin Road historic district. He read a statement from Richard and Linder Hunt, who live at 2158 Grandin Road, stating that the primary concern of their neighborhood group is the maintenance and preservation of the integrity of the Grandin Road area; they requested that the historic designation process for the neighborhood proceed.

Mr. Bill Taylor, 1 Elmhurst Place, expressed his support of historic districts, but noted his concern (based on his experience as a property owner in the Prospect Hill Historic District) for the enforcement of standards administered by the Department of Buildings & Inspections. He asked whether historic designation would improve the already high quality of renovation in the district and what effect historic designation would have had on the demolition of the Piatt-Grandin House. Mr. Senhauser answered that in order to have secured a demolition permit, Summit School would have had to demonstrate to the Board's satisfaction that it could not reuse the property for its institution's purposes. He said the Board would have considered financial feasibility or the sale the house, but its demolition might have been considered an allowable loss.

Mr. Kreider explained that historic district designation could prevent inappropriate negative development such as the demolition of existing buildings. He emphasized that the HCB is trying to learn from the area homeowners whether there are some district standards that will preserve the setting without being unduly burdensome.

Mr. Taylor said that the neighborhood is growing and evolving, but that he was interested in the protection historic district designation can provide. He cited the Strauss houses which were considered radical departures from the design of other structures in the neighborhood when they were built, but that have achieved architectural significance today.

Chris McDowell, Esq., representing Bob Castellini, 2180 Grandin Road, and others, requested that all interested parties be kept abreast of developments in the designation process.

BOARD ACTION

After discussion, the Board voted unanimously (motion by Spraul-Schmidt second by Borys) and took the following actions:

1. Found that a potential historic district is present along Grandin Road and
2. Directed the Historic Conservation Office to continue with the designation process, including public meetings and the drafting of conservation guidelines.

APPEARANCE BY WILLIAM LANGEVIN

Director of Buildings & Inspections William Langevin appeared before the Board to solicit input and recommendations from the HCB on two issues on which he is preparing departmental reports to City Council. These include the renewal of the Neighborhood Housing Retention legislation and a proposed change to the requirements for building permits.

Mr. Langevin indicated that Councilmember DeWine has introduced a motion to exempt one, two and three-family dwellings from securing building permits for minor work to include:

1. Window replacement
2. Roof repair and replacement
3. Installation of new siding
4. New gutter and downspout installation
5. New or replacement fence installation not over six feet in height
6. Flag installation.

Properties located in an environmental quality district, historic conservation district, or any other special district as designated by the Zoning Code would not be exempt. Commercial structures and four or more family-dwellings would, by state law, still require inspection. Mr. Langevin said the loss or revenue to the City General Fund (from permit fees) would be approximately \$200,000 per year.

Mr. Langevin said this is consistent with Hamilton County permitting requirements and that Council has directed him to make City requirements as uniform with the County as possible. He proposes that, if Mr. DeWine's motion is passed and implemented, he would assign additional inspectors to historic conservation and other special districts. He said he preferred increasing the inspection presence in the special district to the option of licensing or registration of contractors.

Mr. Senhauser suggested that since no building permit (or fees) for minor work would be required outside historic or other special districts, there should be no charge for a permit or a Certificate of Appropriateness. He suggested that there be put in place some alternative process that would provide the HCB early warning of proposed work in the districts. He also said that the current code requirements in the City and the County differ, although they are both based on the BOCA code.

Mr. Kreider said that the current requirement for obtaining permits adds a layer of review that can and often does prevent shoddy or inappropriate repairs or alterations.

BOARD ACTION

After discussion, the Board (motion by Sullebarger second by Spraul-Schmidt) unanimously adopted the following resolution regarding Councilman De Wine's motion: The Historic Conservation Board is opposed to the motion of Mr. DeWine, dated September 20, 2000, for reasons including the concern that it will increase the inequality of treatment between historic districts and non-historic areas; and, if this motion is to pass, we require increased inspection and enforcement of permits in historic districts and relief of permit fees in historic districts for the items covered by this motion.

Secondly Mr. Langevin said he was inclined to recommend that the Neighborhood Housing Retention Order (NHRO) not be renewed when it expires in Spring 2001. He stated that although this order has preserved many buildings in Over-the-Rhine, he believed that such buildings would be equally protected by historic conservation district designation. He recommended that, if the retention order is removed, the historic district boundaries be expanding to include Findlay Market and the northern portion of the O-T-R neighborhood. Mr. Langevin acknowledged since that the current NHRO district is much larger than the O-T-R (South) Local Historic District, such an extensive expansion may be difficult or have to be phased.

In answer to Mr. Senhauser, Mr. Langevin said though it would be possible to sunset the NHRO at the inception of a historic district. Mr. Senhauser and Mr. Forwood explained that a study for designation of an O-T-R (North) Historic District is largely complete and awaiting a recommendation for boundaries from the Master Plan.

BOARD ACTION

In the interest of historic conservation in the City of Cincinnati and to prevent wholesale demolition of buildings, the Board voted unanimously (motion by Kreider second by Spraul-Schmidt) not to oppose the repeal of the Neighborhood Housing Retention Ordinance, provided that simultaneously, historic conservation legislation protecting the northern portion of Over-the-Rhine, with the exact boundaries to be determined, is implemented.

[Ms. Borys left the meeting.]

ADOPTION OF THE 2001 MEETING SCHEDULE

The Board unanimously approved the proposed HCB meeting schedule as presented (motion by Spraul-Schmidt second by Walker).

[Mr. Dale left the meeting.]

OTHER BUSINESS

Mr. Forwood presented and explained a report of the Historic Conservation Office October 2000 application reviews.

ADJOURNMENT

As there were no other items for consideration by the Board, the meeting adjourned.

William L. Forwood
Urban Conservator

John C. Senhauser
Chairman

Date _____

